

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_/

This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER REGARDING MATTERS DISCUSSED AT THE  
AUGUST 26, 2020 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint Water litigation on August 26, 2020. The Court now orders as follows:

**I. *In re* Flint Water Cases Discovery Coordination**

The Honorable Joseph J. Farah heard counsel for *Brown v. Snyder*, 18-cv-10726 and *Rogers v. Snyder*, 18-cv-10713's motion to conduct discovery and deferred ruling on the motion until November 1, 2020, ordering the parties to meet and confer. *See Order Re Individual Legionella Plaintiffs' Motion for Discovery, In Re* Flint Water Litigation, Case No. 17-108646-NO (Genesee County Circuit Court, Aug. 26, 2020). Both Courts ordered counsel for *Brown* and *Rogers* to review and

carefully follow the Court's Fourth Amended Case Management Order ("CMO"). (ECF No. 1162.)

## **II. *Waid v. Snyder*, Case No. 16-cv-10444**

The Court set forth deadlines and procedures for Defendants filing answers to the Fifth Amended Class Action Complaint. Defendants who have already filed an answer in *Waid* may file amended answers addressing any new or altered allegations and incorporating by reference their answers to the Fourth Amended Class Action Complaint. Defendants must file amended answers by Tuesday, September 8, 2020.

## **III. Individual Cases**

The Court suspended all answer deadlines in *Walters* and *Sirls* until the next status conference, Wednesday, September 30, 2020, at which point the Court will set forth a deadline for filing answers.

The Court and parties discussed a procedure for addressing the motions to dismiss on statute of limitations grounds filed in many individual Flint Water Cases. By Wednesday, September 2, 2020, the parties involved in the motions will submit a joint proposal for the coordinated adjudication of these motions and will designate lead cases.

The Court and parties clarified that the current complaint in *Anderson v. Wyant*, 17-cv-13890 is ECF No. 64 and *Lee v. Flint*, 17-cv-11726 is ECF No. 73.

#### **IV. Bellwether Cases**

The Court informed the parties that there will be four bellwether plaintiffs' cases tried, and selection of trial plaintiffs shall proceed as set forth in the Fourth Amended CMO. (ECF No. 1162, PageID.28409.)

Interim Co-Liaison Counsel and Counsel for VNA Defendants will submit a proposed amended schedule for the bellwether cases to the Court's law clerk by email on Wednesday, September 2, 2020. The final schedule will be incorporated into the forthcoming Fifth Amended CMO.

#### **V. Video Discovery Conferences**

The following dates are set for a video discovery conference as needed: September 2, 2020 at 2:00pm and September 23, 2020 at 2:00pm. The Court will provide video teleconference connection information and a pre-conference agenda in Case No. 16-cv-10444.

#### **VI. Scheduling of Next Status Conference**

The next status conference will be held on **Wednesday, September 30, 2020** at 2:00pm. Parties are to file proposed agenda

items in Case No. 16-cv-10444 by September 16, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by September 23, 2020.

IT IS SO ORDERED.

Dated: August 28, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 28, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager